

REMARKS

In light of the following remarks, reconsideration and allowance are requested. Claims 3, 6, 7, and 13-22 are pending in this application. Claims 3, 6, and 7 are amended and claims 1, 2, 4, 5, and 8-12 have been cancelled without any disclaimer of the subject matter contained therein. Claims 13-22 are new. Claims 13 and 22 are independent claims.

Applicant respectfully notes that the Examiner has not acknowledged consideration of the references cited in the Information Disclosure Statement filed on September 11, 2008. Therefore, Applicant respectfully requests that the Examiner acknowledge consideration of the references cited in the Information Disclosure Statement filed on September 11, 2008.

New Claims 13-22

Claim 13 requires, *inter alia*, "an individual flat surface loudspeaker optimized for a respective application." At least this feature is not disclosed or suggested by European Patent Application Publication No. 0 567 061 ("Makivirta"), U.S. Patent No. 6,198,831 ("Azima") or a combination of the two (assuming they could be properly combined, which Applicant does not admit).

Makivirta discloses a system for reproducing audio frequencies having a wideband filter 4. The wideband filter 4 may be implemented in a digital signal processor 4b programmed to implement a desired transfer function such as an inverse of the frequency response of a loudspeaker system.

Azima discloses a flat surface loudspeaker including a rectangular frame 1 carrying a resilient suspension 3 around its inner periphery which supports a distributed mode sound radiating panel 2. A transducer 9 is mounted on or in the panel 2 at predetermined locations.

However, due to the restrictions in shape and material of the sound radiating panel 2 and the predetermined positions of the transducers 9, the loudspeaker of Azima is not designed for a respective application. In other words, the transducers 9 are placed in the same location regardless of application.

As such, if Azima and Makivirta could be properly combined (which Applicant does not admit), one of ordinary skill in the art would design a flat surface loudspeaker following the teachings of Azima. Therefore, the flat surface loudspeaker would have predetermined positions for transducers and be highly restricted.

Therefore, Azima and Makivirta fail to disclose or suggest "an individual flat surface loudspeaker optimized for a respective application," as recited in claim 13. Claims 14-22 are patentable at least by virtue of their dependency on claim 13.

Claim 22 is a separate independent claim from claim 1, wherein each independent claim contains its own individual limitations. Each independent claim should be interpreted solely based upon limitations set forth therein. However, claim 22 is patentable for at least reasons somewhat similar to those set forth above regarding claim 13.

Rejections under 35 U.S.C. § 103

1. Claims 1-6, 8, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Makivirta in view of Azima. This rejection is respectfully traversed.

Claims 1, 2, 4, 5, 8 and 10 have been cancelled thereby rendering the rejection of claims 1, 4, 5, 8 and 10 moot. Claims 3 and 6 are patentable at least by virtue of their dependency on claims 13 and 22, respectively.

2. Claims 7, 9, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Makivirta in view of Azima and Great Britain Patent Application 2,265,519 to Smith ("Smith"). This rejection is respectfully traversed.

Claims 9, 11 and 12 have been cancelled thereby rendering the rejection of claims 9, 11 and 12 moot. Claim 7 is patentable at least by virtue of its dependency on claim 22.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. § 103.

CONCLUSION

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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